

IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

JOSEPH L. RAINEY,

Petitioner

v.

WARDEN SPAULDING,

Respondent

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CIVIL NO. 4:CV-16-2288

(Judge Brann)

ORDER

November 18, 2016

In accordance with the accompanying Memorandum, **IT IS HEREBY**

ORDERED THAT:

1. Rainey's habeas corpus petition is **DISMISSED WITHOUT PREJUDICE.**
2. Petitioner, if he so chooses, may seek authorization from the United States Court of Appeals for the Eighth Circuit for leave to file a second or successive § 2255 petition.
3. The Clerk of Court is directed to **CLOSE** this case.

4. Based on the Court's conclusion herein, there is no basis for the issuance of a certificate of appealability.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge